

E-FILED 1-13-09

WILLIAM G. MALCOLM #129271
DON ROBINSON #123411
MALCOLM ♦ CISNEROS
2112 Business Center Drive
2nd Floor
Irvine, California 92612
Telephone: (949) 252-9400
Telecopier: (949) 252-1032

Counsel for CENTRAL MORTGAGE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE SALDIVAR GAMBOA and IRMA
M. SALDIVAR,

Plaintiffs.

-vs-

TRUSTEE CORPS and CENTRAL
MORTGAGE LOAN SERVICING
COMPANY, and DOES 1 - 50,
inclusive,

Defendants.

Case No. C09-00041 MEJ

REQUEST FOR DISMISSAL OF
CASE; ORDER THEREON

On January 7, 2009, Defendant CENTRAL MORTGAGE
COMPANY (erroneously sued as CENTRAL MORTGAGE LOAN SERVICING
COMPANY) ("CENTRAL MORTGAGE") through its undersigned counsel of record
filed a Notice of Removal of Orange County Superior Court Case No. RG 08-
423385 styled as *Jose Saldivar vs. Trustee Corps et al.* (the "State Court Action")
which was assigned the instant case number C09-00041 MEJ. It was later
discovered that the State Court Action had already been removed on January 2,
2009, by another party and assigned to this Court as Case 3:09-cv-00007-SC.

///

///

Request for Dismissal; Order Thereon

1 Since Case Number 3:09-cv-00007-SC pre-dates the instant matter, Defendant
2 CENTRAL MORTGAGE respectfully requests the instant case be dismissed.

3 DATED: January 13, 2009

4 MALCOLM ♦ CISNEROS,
5 A Law Corporation

6 */s/ William G. Malcolm*

7 By: _____
8 WILLIAM G. MALCOLM Attorneys for
9 CENTRAL MORTGAGE COMPANY

10 **ORDER**

11 IT IS HEREBY ORDERED THAT THE INSTANT CASE IS DISMISSED.

12 DATED: January 14, 2009

13 _____
14 The Hon. Marjorie E. James
15 United States District Court Judge
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action. My business address is 2112 Business Center Drive, Second Floor, Irvine, California 92612.

On January 13, 2009 I served the following document described as:

REQUEST FOR DISMISSAL OF CASE; ORDER THEREON

On the following interested parties in this action:

SEE ATTACHED SERVICE LIST

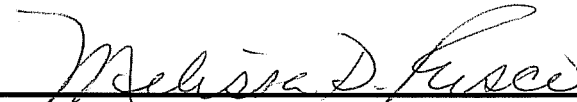
☒ **VIA MAIL -- CCP §§ 1013(a); 2015.5:** By placing a true copy thereof enclosed in a sealed envelope(s) addressed as above, and placing each for collection and mailing on the date following ordinary business practices. I am readily familiar with my firm's business practice and collection and processing of mail with the United States Postal Service and correspondence placed for collection and mailing would be deposited with the United States Postal Service at Irvine, California, with postage thereon fully prepaid that same day in the ordinary course of business.

☐ **VIA FACSIMILE:** By faxing a true copy thereof to the Facsimile Number indicated above, and obtaining a confirmation receipt that the transmission of the document was successful.

☐ **VIA OVERNIGHT DELIVERY:** By placing a true copy thereof enclosed in a sealed next business day envelope, and placing each for collection and mailing on said date following ordinary business practices.

☐ **VIA PERSONAL DELIVERY:** By placing a true copy thereof enclosed in a sealed next envelope, and causing such envelope to be personally delivered to the address listed on the attached service list. A separate proof of service by the party who delivered the envelope is available upon request.

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct. Executed January 13, 2009 at Irvine, California.


MELISSA D. FUSCO

**SALDIVAR v. TRUSTEE CORPS et al.
SERVICE LIST**

Attorney for Plaintiff:

Mitchell W. Roth, Esq.

M.W. Roth PLC

13245 Riverside Drive, Suite 320

Sherman Oaks, CA 91423